



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,113	01/24/2000	Takao Shimamura	P7156-9070	6740

7590 12/18/2003

Nikaido Marmelstein Murray and Oram LLP
Metropolitan Square
Suite 330 G Street Lobby
655 Fifteenth Street NW
Washington, DC 20005-5701

EXAMINER

COLON, ROCIO

ART UNIT	PAPER NUMBER
2651	<i>[Signature]</i>

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/490,113	SHIMAMURA ET AL.
	Examiner	Art Unit
	Rocio Colon	2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2 and 3 is/are allowed.
- 6) Claim(s) 1,4,5 and 7-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 6 is cancelled by the applicant, claims 15-25 have been added. The examiner acknowledge the cancellation of claim 6 and the addition of claims 15-25.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4, 5, 7-9, 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Takigawa et al. (USPN 6,091,695).

Regarding claim 1, Takigawa et al. disclose a carrier mechanism having accommodating means and carrier means (column 1, lines 18-21, the pickup unit is treated as the carrier means), for carrying out positioning between said accommodating means and said carrier means, to thereby insert an object carried from said carrier means into said accommodating means or take said object accommodated in said accommodating means , out of said accommodating means to said carrier means (column 1, lines 30-31), said carrier mechanism comprising:

driving means for moving said carrier means (column 1, lines 31-42); and

control means operable when said carrier means is moved to a desired position in one direction, for controlling said driving means so as to move said carrier means to a position in excess of said desired position (column 14, lines 6-8, the pickup unit is moved downward) and then to move said carrier means to said desired position (column 14, lines 8-10), said control

Art Unit: 2651

means controlling said driving means so as to move said carrier means to said desired position without exceeding said desired position when said carrier means is moved to said desired position in a direction opposite to said one direction (column 14, lines 8-9, the pickup unit is moved upward, thus is opposite to the first direction of movement),

wherein said control means controls said driving means such that said carrier means is driven at an accelerated rate at an initial activation (column 14, line 5, the pickup unit is moved in the downward direction) then braked after the acceleration, and finally subjected to a minute adjustment after the braking (column 14, lines 8-9, the pickup unit is moved in an upward direction by the same motor, thus the motor needs to be stopped at some point to reverse the direction of the movement).

Regarding claim 4, Takigawa et al. disclose the control means includes determining means for determining a direction in which said carrier means is moved, based on a present position before said carrier means is moved and said desired position (Fig. 9, and column 12, lines 1-4).

Regarding claim 5, Takigawa et al. disclose the control means sets patterns for controlling movement of said carrier means by said driving means, based on results of determination of said determining means (column 12, lines 2-4, the control unit include a determining means for determining the direction that the pickup unit must travel, and the pattern for driving the DC motor is based on the result of the determining means.)

Regarding claim 7, Takigawa et al. disclose the control means adjusts a quantity of said minute adjustment of said carrier means by said driving means (column 14, lines 8-9, the pickup unit is moved upward), based on a distance over which said carrier means has been moved after

Art Unit: 2651

execution of said minute adjustment and a remaining distance between a position currently assumed by said carrier means and said desired position (column 14, lines 9-10, if the pickup unit is not on the target position it continues to move upward until the target position is reached.)

Regarding claim 8, Takigawa et al. disclose the accommodating means forms n accommodating rack enabling to accommodate a recording medium in a detachable manner (column 1, lines 16-17), said carrier means having mounted thereon a pickup for reproducing information recorded on the recording medium (column 1, lines 18-21), and a clamping mechanism (column 4, lines 31-34 and 39-40).

Regarding claim 9, Takigawa et al. disclose the accommodating rack is provided in a detachable manner for said carrier means (column 1, lines 14-17).

Regarding claim 11, Takigawa et al. disclose the minute adjustment is controlled to position said carrier means within a predetermined allowable range including said desired position (column 14, lines 8-10, the pickup unit is moved until it reaches the target value that is the desired position).

Regarding claim 12, Takigawa et al. disclose the minute adjustment is controlled to change the driving of said carrier means when a difference between the desired position and an actually reached position is not within said allowable range (column 14, lines 8-10, the pickup unit is moved in opposite direction when it reaches a position that is not the target value.)

Regarding claim 13, Takigawa et al. disclose minute adjustment is controlled to further change the driving of said carrier means when a difference between the desired position and an actually reached position does not enter within said allowable range even if predetermined times of minute adjustment are carried out under the change of the driving of the carrier means

Art Unit: 2651

(column 3, lines 25-37, the carrier is moved for the first time and reaches a position with a first predetermined value, the carrier is moved again to a position with a second predetermined value, and the carrier is moved again to a third predetermined value.)

Regarding claim 14, Takigawa et al. disclose control means completes said minute adjustment of said carrier means by said driving means when a distance moved by said minute adjustment is more than the remaining distance between the current position and the desired position (column 14, lines 6-8, when the pickup unit pass the target position the motor stops and drive the pickup unit to the opposite direction).

Apparatus claims 15, 16, 17 and 18-25 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1,4, 5, and 7-14 . Therefore apparatus claims 15, 16, 17 and 18-25 correspond to method claims 1,4, 5, and 7-14, and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takigawa et al. in view of Takahashi et al. (USPN 4,594,700).

Takigawa et al. fail to explicitly disclose the accommodating rack is always stationary. However this limitation is well known in the art as evidenced by Takahashi et al. which disclose a disc

Art Unit: 2651

player system in which the recording media are accommodated on a rack that is always stationary (column 3, lines 20-21). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Takigawa et al. because Takahashi et al. teaches the recording media may be accommodated on a rack that is always stationary to make it easier to manufacture and lower the cost because there are less parts involved in a device using a stationary rack.

Allowable Subject Matter

4. Claims 2 and 3 are allowed.

Response to Arguments

Applicant argues that Takigawa does not disclose the control means that controls the driving means such that the carrier means is driven at an accelerated rate at an initial activation, then braked after the acceleration, and finally subjected to a minute adjustment after the braking. Examiner cannot concur with the Applicant because Takigawa teaches the carrier may be driven at an accelerated rate at an initial activation, and then reverse the original direction (column 14, lines 6-10). The same motor drives the carrier in both direction, the motor needs to be stopped before starting to move to the second direction as the claimed invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rocio Colon whose telephone number is (703) 305-3947. The examiner can normally be reached on Mon-Thu 8:00a.m.-6:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


rcv

December 17, 2003


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600